

**EXHIBIT A**

**FILED: KINGS COUNTY CLERK 03/09/2022 05:02 PM**

INDEX NO. 507045/2022

NYSCEF DOC. NO. 1

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FAILURE TO DO SO MAY RESULT IN THE LOSS OF COVERAGE.**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
NATALIE BAUM,

Plaintiff(s),

v.

OLD NAVY LLC, INDIVIDUALLY AND DOING  
BUSINESS AS OLD NAVY,

Defendant(s).  
-----X

**SUMMONS**

Plaintiff designates  
KINGS COUNTY as  
the place of trial.

Plaintiff demands trial by jury.

The basis of venue is the  
plaintiff's residence at 1478 East  
2<sup>nd</sup> Street, Brooklyn, NY.

**TO THE ABOVE-NAMED DEFENDANT(S):**

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the complaint in this action within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
March 8, 2022

**MORGAN & MORGAN NY PLLC**

/s/ Kathleen E. Beatty

By: Kathleen E. Beatty, Esq.

*Attorneys for Plaintiff*

350 Fifth Avenue, Suite 6705

New York New York 10118

(917) 344-7032

kbeatty@forthepeople.com

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**SERVICE LIST**

**OLD NAVY LLC**

c/o: CT Corporation System  
28 Liberty Street  
New York, New York 10005

**OLD NAVY LLC**

5141 Kings Plaza #2231  
Brooklyn, NY 11234

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
NATALIE BAUM,

Plaintiff(s),

**COMPLAINT**

v.

OLD NAVY LLC, INDIVIDUALLY AND DOING  
BUSINESS AS OLD NAVY,

Defendant(s).  
-----X

Plaintiff, NATALIE BAUM, by her attorneys MORGAN & MORGAN NY PLLC, as and  
for her Complaint against the defendant, alleges, upon information and belief:

1. At all times herein relevant, Plaintiff NATALIE BAUM was and has been a resident of Kings County and State of New York.
2. At all times herein relevant, defendant OLD NAVY LLC was and has been a foreign limited liability company, organized and existing under the Laws of the State of Delaware.
3. At all times herein relevant, defendant OLD NAVY LLC was and has been a foreign limited liability company authorized to do business in the State of New York.
4. At all times herein relevant, defendant OLD NAVY LLC transacted business within the State of New York and/or contracted anywhere to supply goods or services in the State of New York.
5. At all times herein relevant, defendant OLD NAVY LLC committed a tortious act within the State of New York.
6. At all times herein relevant, defendant OLD NAVY LLC committed a tortious act outside the State of New York causing injury to person or property within the State of New York.

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7. At all times herein relevant, defendant OLD NAVY LLC owned, used, or possessed real property situated within the State of New York.

8. At all times herein relevant, defendant OLD NAVY LLC was a company conducting business in the State of New York.

9. At all times herein relevant, defendant OLD NAVY LLC transacted business within the State of New York and/or contracted anywhere to supply goods or services in the State of New York.

10. By virtue of the allegations above, defendant OLD NAVY LLC is subject to the laws of the State of New York pursuant to CPLR § 302.

11. At all times herein relevant, defendant OLD NAVY LLC was doing business as Old Navy.

12. On April 9, 2021, defendant OLD NAVY LLC owned a certain clothing store that it identified as #2231, which existed within the premises known as Kings Plaza Mall, located at 5141 Kings Plaza, Brooklyn, New York 11234 (hereinafter referred to as "The Premises").

13. On April 9, 2021, defendant OLD NAVY LLC was a lessee of The Premises.

14. On April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees maintained The Premises.

15. On April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees managed The Premises.

16. On April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees inspected The Premises.

17. On April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees controlled The Premises.

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18. On and/or before April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees repaired The Premises.

19. On and/or before April 9, 2021, defendant OLD NAVY LLC by its agents, servants, and/or employees inspected The Premises.

20. On and/or before April 9, 2021, defendant OLD NAVY LLC by its agents, servants, and/or employees cleaned The Premises.

21. On and/or before April 9, 2021, defendant OLD NAVY LLC by its agents, servants, and/or employees maintained certain clothing hangers, clothing fixtures, and other such appurtenances at The Premises.

22. Before April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees designed The Premises.

23. On April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees operated The Premises.

24. On and/or before April 9, 2021, defendant OLD NAVY LLC, by its agents, servants, and/or employees entered into a contract regarding maintenance, inspection, and/or repair The Premises.

25. At all times herein mentioned, it was the duty of defendant OLD NAVY LLC, by its agents, servants, and/or employees to maintain The Premises in a reasonably safe condition.

26. At all times herein mentioned, it was the duty of defendant OLD NAVY LLC, by its agents, servants, and/or employees to perform work in a reasonably safe and suitable manner.

27. On April 9, 2021, plaintiff NATALIE BAUM was lawfully on the sales floor of The Premises.

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28. On April 9, 2021, plaintiff NATALIE BAUM was caused to slip and/or trip and fall due to an unsafe, hazardous, defective, dangerous hanger condition that existed and remained on the sales floor for a unreasonably protracted period of time upon The Premises.

29. Plaintiff's injuries and damages were caused solely by defendant's negligence, by causing, creating, and/or permitting dangerous conditions at said premises, which the defendant knew, or should have known, existed and continued to exist within said premises and/or by failing to warn plaintiff of said condition.

30. The aforementioned incident occurred solely as a result of defendant's negligence without any negligence attributable in any measure to plaintiff.

31. As a result of the negligence and/or recklessness of defendant, their employees, agents, servants, and/or staff, plaintiff was seriously injured and has suffered damages in an amount which excess the monetary jurisdictional limits of all lower New York State Courts.

32. The limitations on liability set forth in CPLR Article 16 do not apply herein; one or more of the exemptions set forth in CPLR § 1602 applies.

**WHEREFORE** plaintiff demands judgment against defendant, in an amount which exceeds the monetary jurisdictional limits of the New York State Supreme Court, and plaintiff demands such other and further relief as the Court may deem just and proper, together with the costs and disbursements of this action.

Dated: New York, New York  
March 8, 2022

**MORGAN & MORGAN NY PLLC**

/s/ Kathleen E. Beatty  
By: Kathleen E. Beatty, Esq.  
*Attorneys for Plaintiff*  
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**PLAINTIFF'S SUMMONS & COMPLAINT**

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**MORGAN & MORGAN NY PLLC**

*Attorneys for Plaintiff*

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